

REMARKS

In the **non-final** Office Action mailed May 12, 2010, the Office noted that claims 1-21 were pending and rejected claims 1-21. In this amendment, claims 1-12 and 15-21 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 1-21 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 101

Claims 1-9 and 18-21 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are directed to both statutory and non-statutory embodiments.

The Applicants have amended the claims to direct the claims to non-transitory mediums (i.e. not signals). Thus, the Applicants submit the claims are to statutory subject matter. Support for the amendment may be found, for example, in ¶ 0080 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-21 stand rejected under 35 U.S.C. § 102(e) as

being anticipated by Noguchi, U.S. Patent Publication No. 2005/0031300. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Claim 1 has been amended to recite "a plurality of button information each of which is for defining a button menu which allows an operation as for said content information, for each reproduction capability which is necessary to reproduce said content information, ***the reproduction capability being a capability determined in accordance with a type, coding method, reproduction rate, processable data amount of reproducible information, on an information reproducing apparatus.***" (Emphasis added) Support for the amendment may be found, for example, in ¶ 0011 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment.

Thus, it is also possible to display the button menu which encourages an instruction related to the operation in a range which can be operated on the information reproducing apparatus, for example. In other words, only a button which can actually perform the operation is displayed on the button menu. Thus, it is possible to prevent such a disadvantage that a user inputs the operation beyond the reproduction capability (i.e. a not-operable instruction, not-reproducible setting and operation, etc.).

The prior art of record fails to disclose the features

of the instant amended claims.

For at least the reasons discussed above, claims 1, 10-12 and 15-21 are not anticipated by Noguchi.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 1-21 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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